

TOWN BOARD MEETING
WEDNESDAY, APRIL 1, 2009; 7:00 P.M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Comptroller Finnegan, Police Lieutenant Farbent, Highway Superintendent Fayo, Town Attorney Blythe

Supervisor Green called to order the Town Board meeting and presided over same.

#1 On Agenda: Minutes

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor approve the Minutes of the Public Hearing regarding the establishment of Garbage District Extension – Steele Road and Portion of Route 207 and the minutes of the Town Board meeting, both held on March 4, 2009, as per the copies posted on the Town Clerk’s bulletin board in the Town Hall, and same distributed to each of the Town Board members.

Roll Call: All Ayes *Motion Carried: 5-0*

UNFINISHED BUSINESS

HIGHWAY DEPARTMENT

#2 On Agenda: Motion - Authorization To Execute Agreement – Pavement Markings On Non-County Roads – 2009 Season

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to execute an Agreement with the County for Pavement Markings on Non-County Roads for the 2009 Season.

Roll Call: All Ayes *Motion Carried: 5-0*

WATER DEPARTMENT

#3 On Agenda: Receive And File Memorandum Of Understanding – Water District #9

Hearing no objection, the Town Board of the Town of New Windsor receive and file Memorandum of Understanding between Town of New Windsor and Orange County, dated March 23, 2009 for payment of principal and interest due and owing County of Orange for Water District #9.

GENERAL

#4 On Agenda: Motion – Authorize Appropriation Of Revenues

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt the following:

Whereas the Town Board of the Town of New Windsor authorize the appropriation of excess revenues in the Highway Fund, Water Fund, Various Water Districts, Ambulance District and Fire Districts in accordance with the following schedule:

<u>Highway Fund</u>		
To:	Gasoline	\$119,385
	Black top	55,504
	Road Repaving	59,357
		<u>\$234,246</u>
From:	Interfund Gasoline	\$132,600
	State Aid	101,646
		<u>\$234,246</u>
<u>Water Fund</u>		
To:	Water Purchases	\$68,708
	Transmission & Distribution	17,838
		<u>\$86,546</u>
From:	Water Sales	<u>\$86,546</u>

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Various Water Districts

To:	Water Administration	<u>\$497</u>
From:	Interest Earnings	<u>\$497</u>

Ambulance Districts:

To:	Ambulance Protection	<u>\$1,488</u>
From:	Interest Earnings	<u>\$1,488</u>

Fire Districts

To:	Fire Protection	<u>\$21,044</u>
From:	Property Taxes	<u>\$21,044</u>

Roll Call: All Ayes

Motion Carried: 5-0

#5 On Agenda: Motion – Authorize Appropriation Of Fund Balances

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor adopt the following:

Whereas, the Town Board of the Town of New Windsor authorize the appropriation of fund balances in the Highway Fund, Garbage Fund and Ambulance District in accordance with the following schedule:

Highway Fund

To:	Black top	\$8,280
From:	Fund Balance at 12/31/08	<u>\$8,280</u>

Garbage Fund

To:	Garbage Fees	\$18,169
From:	Fund Balance at 12/31/08	<u>\$18,169</u>

Ambulance District

To:	Ambulance Protection	\$2,542
From:	Fund Balance at 12/31/08	<u>\$2,542</u>

Roll Call: All Ayes

Motion Carried: 5-0

#6 On Agenda: Motion – Adopt Final Generic Environmental Impact Statement

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor adopts the following resolution:

WHEREAS, among the most important powers and duties granted by the legislature to a town government is the authority and responsibility to undertake town comprehensive planning and to regulate land use for the purpose of protecting the public health, safety and general welfare of its citizens; and

WHEREAS, the Town Board formed a Comprehensive Plan Committee to propose a draft Comprehensive Plan setting forth a vision of the community’s future; and

WHEREAS, the Comprehensive Plan Committee held a series of public meetings seeking input from the community on the issues and goals important to the Town of New Windsor; and

WHEREAS, the Comprehensive Plan Committee prepared a draft Comprehensive Plan and presented it to the Town Board for its consideration; and

WHEREAS, the Town Board has considered the draft Comprehensive Plan prepared by the Comprehensive Plan Committee; and

WHEREAS, on January 9, 2009 the Town Board introduced the current draft Comprehensive Plan for formal review and consideration pursuant to New York State Town Law § 272-a; and

WHEREAS, this is an action that is subject to the State Environmental Quality Review Act ("SEQRA"), and the Town Board being the only Involved Agency as that term is defined in the SEQRA regulations set forth at 6 NYCRR Part 617, automatically assumes Lead Agency status; and

WHEREAS, the consideration and adoption of a Comprehensive Plan is a Type I Action as that term is defined in the SEQRA Regulations set forth at 6 NYCRR Part 617; and

WHEREAS, on January 9, 2009 the Town Board previously adopted a full Environmental Assessment Form ("EAF"); and

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WHEREAS, as a Type I Action, the adoption of a comprehensive plan is an action that may have a significant adverse impact on the environment and require the preparation of an environmental impact statement; and

WHEREAS, the preparation and review of a generic environmental impact statement is the proper method for analyzing the potential impacts associated with the consideration and adoption of a comprehensive plan, according to 6 NYCRR § 617.10(b); and

WHEREAS, on January 9, 2009 the Town Board adopted a Draft Generic Environmental Impact Statement ("DGEIS"); and

WHEREAS, on February 4, 2009 the Town Board held a joint public hearing on the draft Comprehensive Plan and the DGEIS; and

WHEREAS, the Town Board closed the public hearing on February 4, 2009 and accepted written comments until March 6, 2009; and

WHEREAS, the draft Comprehensive Plan and DGEIS were referred to the Orange County Department of Planning for its review pursuant to New York State Town Law § 272-a(5)(b) and pursuant to the New York State General Municipal Law §§ 239-L, M and N; and

WHEREAS, the Town Board has prepared a Final Generic Environmental Impact Statement ("FGEIS"), which responds to the public comments on the draft Comprehensive Plan and DGEIS; and

WHEREAS, the Town Board wishes to adopt the FGEIS as complete and provide notice of such completion as required by SEQRA.

NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) That the Town Board hereby adopts the FGEIS and authorizes the circulation of a notice of completion to all required recipients of same.

Roll Call: All Ayes

Motion Carried: 5-0

#7 On Agenda: Motion – Authorize Renewal Of Solicitor’s Permit – Hopkins

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor’s Permit submitted by veteran George Hopkins d/b/a/ Hill Top Wagon, Route 94, PO Box 31, Vails Gate, New York, to sell hot dogs, soda and chips on Route 94 at the Vails Gate Cycle Shop. Permit shall be obtained from the Town Clerk’s office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 5-0

#8 On Agenda: Motion – Authorize Renewal Of Solicitor’s Permit – Minutolo

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor authorize the renewal of a Solicitor’s Permit submitted by veteran Nicholas Minutolo, 23 Coach House Court, New Windsor, New York, to sell hot dogs, hot sandwiches, snacks and drinks in the Town of New Windsor on Section 4, Block 3, Lot 17.6. Permit shall be obtained from the Town Clerk’s office; permit fee shall be waived.

Roll Call: All Ayes

Motion Carried: 5-0

#9 On Agenda: Motion – Authorize Appointment To Zoning Board Of Appeals

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor appoint Leonard McDonald, 12 Split Tree Drive, New Windsor, New York to the Town of New Windsor Zoning Board of Appeals as an alternate member.

Roll Call: All Ayes

Motion Carried: 5-0

#10 On Agenda: Motion – Authorization For Change Order #1 – Jones Specialty Services Group – Erie Avenue To Route 94 Sewer Replacement Project

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor authorize the Supervisor to sign Change Order Request #1 submitted by Jones Specialty Services Group in the amount of \$24,672.45 for Erie Avenue to Route 94 Sewer Replacement per the recommendation of McGoey, Hauser and Edsall Consulting Engineers, P.C. on February 12, 2009.

Roll Call: All Ayes

Motion Carried: 5-0

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#11 On Agenda: Motion – Adopt Order Calling Public Hearing – Flood Plain Management Regulations

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing to be held on May 6, 2009, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to repeal Section 151 of the Town Code of the Town of New Windsor in its entirety and adopt new local law to include the flood insurance study and flood insurance rate maps, effective August 3, 2009 into the community flood plain management regulations of the Town of New Windsor.

Roll Call: All Ayes

Motion Carried: 5-0

#12 On Agenda: Motion – Adopt Order Calling Public Hearing - CDBG /FY 2010

Motion by Councilwoman Biasotti, seconded by Councilman Lundstrom that the Town Board of the Town of New Windsor adopt an Order Calling Public Hearing to be held on May 6, 2009, at 555 Union Avenue, New Windsor, New York at 7:00 o'clock p.m. to invite public comment on the project proposals which are to be submitted to the Orange County Community Development Program (FY 2010).

Roll Call: All Ayes

Motion Carried: 5-0

#13 On Agenda: Motion – Authorize Execution Of Memorandum Of Understanding With PBA – Tuition Reimbursement

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor authorize the Supervisor to execute a Memorandum of Understanding (MOU) between Town of New Windsor and Patrolmen's Benevolent Association of New Windsor, New York, Inc., (PBA), to address the manner in which the parties have agreed to tuition reimbursement with respect to police officers on probationary status.

Roll Call: All Ayes

Motion Carried: 5-0

#14 On Agenda: Receive and File Consent Order And Judgment – Bank Of New York

Hearing no objection, the Town Board of the Town of New Windsor receive and file Consent Order and Judgment in the matter of "The Bank of New York v. Town of New Windsor, its Assessor and the Board of Review" for a review under Article 7 of the Real Property Tax Law of the State of New York.

#15 On Agenda: Receive and File Permit Bond – Nannini & Callahan Excavating, Inc.

Hearing no objection, the Town Board of the Town of New Windsor receive and file Continuation Certificate for Permit Bond #S433014, submitted by Nannini & Callahan Excavating, Inc., in the amount of \$20,000.00, effective for the period of October 9, 2008 to October 9, 2009. The purpose of the Bond is to secure a permit from the Town of New Windsor to perform street openings within the Town, same being referred to the Town Attorney and the Town Highway Superintendent.

#16 On Agenda: Receive and File PILOT Agreement – Airport Properties VIII, LLC

Hearing no objection, the Town Board of the Town of New Windsor receive and file fully executed Payment in Lieu of Tax (PILOT) Agreement between Orange County Industrial Development Agency and Airport Properties VIII, LLC, covering 3.6 acres of land in the Town of New Windsor designated on the Town's tax maps as Section 91, Block 1, Lot 47.2 and commonly known as 1010 D Street, New Windsor, New York.

#17 On Agenda: Receive and File Drainage Easement Policy Of Title Insurance – Beaver Dam Lake Water Corporation

Hearing no objection, the Town Board of the Town of New Windsor receive and file drainage easement policy of title insurance (C29-0219403) dated October 9, 2008.

#18 On Agenda: Receive and File Executed Agreement with PERMA – Third Party Administrative Services

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement with Public Employer Risk Management Association, Inc. Workers Compensation Program for Third Party Administration Services.

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**#19 On Agenda: Receive and File Supplemental Agreement With Orange County –
New Windsor – Cornwall Dial a Bus**

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Supplemental Agreement with Orange County regarding New Windsor-Cornwall Dial-A-Bus for New York Statewide Mass Transportation Operating Assistance Program for the period April 1, 2009 through March 31, 2010.

#20 On Agenda: Receive and File Fully Executed Agreement - NWVAC

Hearing no objection, the Town Board of the Town of New Windsor receive and file with the Town Clerk a fully executed Agreement with New Windsor Volunteer Ambulance Corps, Inc. effective January 1, 2009 through December 31, 2009.

#21 On Agenda: Officials Reports

The following reports were received, recorded and filed with the Town Clerk:

Building Department	Month of February 2009
Justice Court – Richard W. Thorpe	Month of March 2009
Justice Court – Donald J. Suttlehan	Month of March 2009
Police Department	Month of March 2009
Recreation Department	Month of March 2009
Town Clerk	Month of March 2009

#22 On Agenda: Public Forum

Supervisor Green opened the public forum portion of the meeting by asking if any of the Board had any comments. He then asked if anyone else had any comments or questions.

William Steidle asked what projects the Town was considering for the Community Development Block Grant. Supervisor Green said there was a drainage project on Spruce Street which was eligible and another on St. Anne and Hudson Drives.

Leo Braun asked if the Town had heard anything from New York City regarding the aqueduct and the Supervisor said that there have been several meetings but the Town is under a confidentiality agreement with them. He said they are working together but there are a lot of problems.

Hearing no one else wishing to speak, Supervisor entertained a motion to close the Public Forum.

Motion by Councilman Lundstrom, seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor close the Public Forum portion of the meeting.

Roll Call: All Ayes *Motion Carried: 5-0*

#23 On Agenda: Adjourn

Motion by Councilwoman Weyant, seconded by Councilwoman Mullarkey that the Town Board of the Town of New Windsor adjourn the Town Board meeting at 7:20 p.m.

Roll Call: All Ayes *Motion Carried: 5-0*

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc